

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

34 8th AVENUE LLC dba ANFORA, et al,

Plaintiffs,

v.

ARGO MANAGING AGENCY LIMITED,
BRIT SYNDICATES LIMITED, CATLIN
UNDERWRITING AGENCIES LIMITED,
LIBERTY MANAGING AGENCY
LIMITED, TOKIO MARINE-KILN
SYNDICATES LIMITED, et al,

Defendants.

CASE NO: 1-20-cv-04160

NOTICE OF JOINDER IN OPPOSITION TO PLAINTIFFS' MOTION TO REMAND

NOW COMES, Defendants Argo Managing Agency Limited, Brit Syndicates Limited, Catlin Underwriting Agencies Limited, Liberty Managing Agency Limited, and Tokio Marine-Kiln Syndicates Limited ("Defendants"),¹ by and through their undersigned counsel, for their joinder in co-defendant Acceptance Indemnity Insurance Company ("Acceptance") Opposition to Plaintiffs' Motion to Remand ("Motion"). In support thereof, Defendants state as follows:

1. On September 16, 2020, Defendants filed a Notice of Consent/Joinder in Removal, following removal of this matter to the United States District Court for the Eastern District of New York. (ECF 19) ("Consent Motion").

2. Defendants hereby join and incorporate the factual and legal arguments set forth in Defendant Acceptance's Opposition to Plaintiffs' Motion to Remand, as though fully set forth

¹ Defendants note that they are the improper parties to this action. Defendants specifically reserve all rights and do not waive any arguments with respect to this issue.

herein, and for the reasons stated therein request that this Court deny Plaintiffs' Motion for Remand and sever the claim between Defendants and Plaintiff 34 8th Avenue, LLC d/b/a Anfora ("Anfora").

3. As to Defendants and Anfora, there is complete diversity of citizenship and the amount in controversy exceeds \$75,000; therefore, this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332.

4. Defendant Argo Managing Agency Limited is a foreign corporation organized under the laws of England and Wales, with a principal place of business at 1 Fen Court, London, EC3M 5BN, United Kingdom.

5. Defendant Brit Syndicates Limited is a foreign corporation organized under the laws of England and Wales, with a principal place of business at The Leadenhall Building, 122 Leadenhall Street, London, EC3V 4AB, United Kingdom.

6. Defendant Catlin Underwriting Agencies Limited is a foreign corporation organized under the laws of England and Wales, with a principal place of business at 20 Gracechurch Street, London, EC3V 0BG, United Kingdom.

7. Defendant Liberty Managing Agency Limited is a foreign corporation organized under the laws of England and Wales, with a principal place of business at 20 Fenchurch Street, London, EC3M 3AW, United Kingdom.

8. Defendant Tokio Marine-Kiln Syndicates Limited is a foreign corporation organized under the laws of England and Wales, with a principal place of business at 20 Fenchurch Street, London, EC3M 3BY, United Kingdom.

9. Anfora is a New York limited liability company with a principle place of business in New York. (ECF. No. 1-1, ¶ 107.) Anfora is a citizen of Arizona, California, Massachusetts,

New Jersey, and New York, because its members are residents, domiciliaries, and citizens of those states. (ECF 68, p. 12, ¶ 76).

10. There is complete diversity of citizenship between Defendants and Anfora.

11. As to Defendants, Anfora asserts claims for declaratory judgement, breach of contract, and unjust enrichment against Defendants.

12. The amount in controversy for the claims brought by Anfora exceeds \$75,000. Anfora alleges that it is entitled to payment under its policy and has suffered “substantial covered losses” under its policy, which includes a \$1,000,000 Business Income limit of coverage. (ECF No. 1-1, ¶ 407; ECF 19, Ex. B.)

13. Based on these allegations, the damages claimed against Defendant by Anfora exceed \$75,000, exclusive of interest and costs.

14. Further, venue is proper in this Court pursuant to 28 U.S.C. § 112(b) because it is the district and division embracing the place where the state court action was pending in accordance with 28 U.S.C. § 1441(a).

15. Therefore, as detailed above and in Acceptance’s Motion, this Court should deny Plaintiffs’ Motion to Remand, sever the action between Anfora and Defendants, and maintain Defendants’ right of removal to this Court based on diversity jurisdiction.

Dated: New York, New York
October 20, 2020

Respectfully Submitted,

AARONSON RAPPAPORT FEINSTEIN &
DEUTSCH, LLP

Peter J. Fazio

Peter J. Fazio, Esq

Attorneys for Defendant

Argo Managing Agency Limited, Brit Syndicates Limited,
Catlin Underwriting Agencies Limited, Liberty Managing
Agency Limited, and Tokio Marine-Kiln Syndicates Limited
600 Third Avenue
New York, NY 10016
212-593-5458

To: All Parties Via ECF